

Town Board Minutes

**Meeting
No. 5**

Regular Meeting

FEBRUARY 22, 1999

MEETINGS TO DATE 5
NO. OF REGULARS 4
NO. OF SPECIALS 1

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LANCASTER, NEW YORK
FEBRUARY 22, 1999

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 22nd day of February, 1999 at 8:00 P.M. and there were

PRESENT: NEIL CONNELLY, COUNCIL MEMBER
WILLIAM MARYNIEWSKI, COUNCIL MEMBER*
MARK MONTOUR, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR
* [Appointed Council Member as first order of business.]

ABSENT: NONE

ALSO PRESENT: ROBERT THILL, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
ROBERT LANEY, BUILDING INSPECTOR
THOMAS FOWLER, CHIEF OF POLICE
JOHANNA COLEMAN, RECEIVER OF TAXES
CHRISTINE FUSCO, ASSESSOR

PERSONS ADDRESSING TOWN BOARD:

Gull. Henry, 710 Pavement, spoke to the Town Board on the following matters:

- Inquired what the town is getting for the \$35,000.00 they are spending to hire an appraiser for the court defense of the current assessed value of the Tops Market Distribution Center in tax certiorari proceedings.
- Expressed opinion that the Tops warehouse decision was a terrible error in judgement on the part of the public officials that allowed it to come to the Town of Lancaster on Genesee Street.
- Inquired as to the number of town personnel who attended the recent annual meeting of the Association of Towns.

Zarbo, Richard, 357 Stony Road, spoke to the Town Board on the following matters:

- Expressed dismay that no Board of Ethics has been appointed as required by the Code of Ethics adopted in June, 1995.
- Inquired whether everyone who is required to file an annual disclosure statement has done so.

Juszczak, Joseph, 600 Pleasant View Drive, spoke to the Town Board on the following matters:

- Urged the Town Board to peruse the installation of a four-way stop sign at the intersection of Pleasant View Drive and Stony Road.
- Gave a letter to Council Member Montour, as Chairman of the Investing Committee, and requested that the Council Member answer questions in the letter concerning two parking tickets given by the Buffalo Police Department to town police vehicles.

Quiram, James, 184 Cemetery Road, spoke to the Town Board on the following matter:

- Inquired as to the present status of the location of a proposed north/south highway corridor being studied by the New York State Department of Transportation from the NYS Thruway south to Broadway in the vicinity of Cemetery Road.

Bastian, Norman, 5747 Genesee Street, spoke to the Town Board on the following matter:

- Inquired as to the present status of the rental location of the office of the Building Inspector, located at 11 West Main Street in view, of the recent takeover of that property by the John Alden Insurance Company.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, a vacancy exists in the elected office of Town Council Member due to the resignation of Council Member Donald E. Kwak on February 15, 1999, and

WHEREAS, the Town Board is authorized pursuant to Town Law §64 (5) to fill vacancies which occur in Town offices, and

WHEREAS, the Town Board deems it to be in the public interest to fill the vacant Council Member office,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster does hereby appoint WILLIAM M. MARYNIEWSKI, 93 Tyler Street, Depew, New York, to the vacant elective office of Town Council Member, such appointment to take effect immediately and run through December 31, 1999.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 22, 1999

File: rapbdmbr

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER CONNELLY, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

RESOLVED, that the minutes from the Regular Meeting of the Town Board
held on February 1, 1999 be and hereby are approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	ABSTAINED
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTEDYES

February 22, 1999

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER CONNELLY, TO WIT:

WHEREAS, the Town of Lancaster applied to the County of Erie for a regionalism grant for the purpose of implementation of a cooperatively managed Geographic Information System (GIS) database for the Town, Village and School District of Lancaster, New York, and

WHEREAS, the County of Erie has authorized a regionalism grant in the sum of \$177,000.00 for that project, and

WHEREAS, the project is to be carried out pursuant to an intermunicipal agreement pursuant to Article 5-G of the General Municipal Law with the Village of Lancaster and the Lancaster Central School District as participating members.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Lancaster is hereby authorized to enter into a grant contract with the County of Erie in the sum of \$177,000.00 for the purpose of carrying out an intermunicipal project pursuant General Municipal Law Article 5-G, subject to the terms and conditions contained in the County grant contract, and

BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized to enter into an intermunicipal agreement with the Village of Lancaster and the Lancaster Central School District for the purpose of carrying out and implementing this project.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 22, 1999

File: intermunicipal grant

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Highway Superintendent has submitted a proposed Agreement to the Town Board of the Town of Lancaster for the expenditure of highway funds for the year 1999, pursuant to the requirements of the Highway Law of the State of New York, and

WHEREAS, the Highway Superintendent has advised that the allocation of money in the proposed Agreement for general repairs to be carried out includes the cost of labor and materials, and

WHEREAS, the Town Board of the Town of Lancaster has reviewed the proposal by the Highway Superintendent;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster does hereby authorize the execution of the proposed Agreement to Spend Town Highway Funds for the year 1999, as submitted by the Superintendent of Highways.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 22, 1999

File: rhwyfnds

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Schedule of Salaries non-bargaining personnel adopted by the
Town Board on January 4, 1999 omitted four part time positions in the Parks and Recreation
Department,

NOW, THEREFORE, BE IT

RESOLVED, that the resolution adopted by the Town Board of the Town of
Lancaster on January 4, 1999, as it relates to the 1999 Schedule of Salaries non-bargaining
personnel, be and is hereby amended to add the following positions:

NON-BARGAINING PERSONNEL:

Lifeguard P.T. (Measer)	\$ 6.30 per hour
Lifeguard P.T. (Domino)	\$ 5.75 per hour
Lifeguard P.T. (Fendzlau)	\$10.00 per hour
Recreation Attendant P.T. (Skolikas)	\$ 8.50 per hour
Recreation Attendant P.T. (Hurst)	\$ 7.00 per hour

and.

BE IT FURTHER

RESOLVED, that these amendments be made retroactive to January 1, 1999.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 22, 1999

File: ramend.gen

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, by Memorandum dated January 27, 1999, the Chief of Police has recommended the transfer of certain vehicles from the Police Department to specific departments in Town government, with funds to be transferred from those departments to the 1999 Police Department Budget, to be used for the new police vehicles authorized to be purchased by Town Board resolution on February 1, 1999, and

WHEREAS, in accordance with a Memorandum dated January 25, 1999, the Building Inspector has requested the transfer of a vehicle from his department to the Department of Parks, Senior Facility and Buildings and Grounds, and

WHEREAS, by letter dated February 8, 1999 the General Crew Chief of the Department of Parks, Senior Facility and Buildings and Grounds, has requested the transfer of two vehicles to his department, one from the Police Department and the other from the Building Inspector:

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. The following vehicles be and are hereby transferred from the Police Department to the various town departments listed below and 1999 Budget transfers be and hereby are effected:

- A. Car No. 27, 1997 Ford VIN #2FALO71W1VX153232
to the Town Engineer:

Transfer \$5,700. from Account A1440.220 to B3120.220

- B. Car No. 29, 1994 Jeep VIN #1J4FJ68S8RL23077, to the
Building Inspector:

Transfer \$8,000. from Account B3620.220 to B3120.220

- C. Car No. 26, 1997 Ford VIN #2FALP71W3VX153233, to
the Department of Parks, Senior Facilities and Buildings and
Grounds.

Transfer \$5,700. from Account A7110.220 to B3120.220

2. The following vehicle be and hereby is transferred from the Building Inspector to the Department of Parks, Senior Facilities and Buildings and Grounds, and the necessary 1999 Budget transfer be and is hereby effected:

- A. 1993 Bronco VIN# 1J4FJ68S8R1230777 from the Building Inspector to the Department of Parks, Senior Facilities and Buildings and Grounds.

Transfer \$2,300. from Account A7110.220 to B3620.220

and

3. The following budget transfer be and is hereby authorized in the 1999 Adopted Budget of the Town of Lancaster to fund the purchase of the above-mentioned 1997 Ford for the Engineering Department from the Police Department:

General Fund - Townwide:	<u>Decrease</u>	<u>Increase</u>
A1990.411 Contingency Account	\$ 5,700.	
A1440.220 Town Engineer, Passenger Vehicles	_____	<u>\$ 5,700.</u>
General Fund - Townwide Totals:	\$ 5,700.	\$ 5,700.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 22, 1999

File: rtnsfr.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA. WHO MOVED ITS
ADOPTION. SECONDED BY COUNCIL MEMBER
MONTOUR. TO WIT:

WHEREAS, Abate Engineering Associates, P.C., 4455 Genesee Street, Buffalo, New York 14225 has submitted Change Order No. 1 for the Lancaster Town Hall and Opera House Roof Replacement and Truss Repair in the additional amount of \$6,588.84 to the Town Board for their approval, and

WHEREAS, the Town Engineer, by letter dated, February 16, 1999 has recommended such change order because there was additional engineering services needed due to the necessity of rebidding the contracts.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change Order No. 1 to Abate Engineering Associates, P.C. according to recommendations of the Town Engineer, and.

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute these change orders on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 22, 1999

File RCHANGE.ORD (P4)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION. SECONDED BY COUNCIL MEMBER
CONNELLY. TO WIT:

WHEREAS, Weaver Metal & Roofing, 40 Appenheimer Avenue, Buffalo, New York 14214 has submitted Change Order No. 2 for the Lancaster Town Hall and Opera House Roof Replacement and Truss Repair in the additional amount of \$5,253.85 to the Town Board for their approval, and

WHEREAS, the Town Engineer, by letter dated February 16, 1999 has recommended such change order because of extra work that was needed to be done to existing gutter during roof repair.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change Order No. 2 to Weaver Metal & Roofing, 40 Appenheimer Avenue, Buffalo, New York 14214 according to recommendations of the Town Engineer, and

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute these change orders on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 22, 1999

File: RCHANGE.ORD (P5)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, a Public Hearing was held on the 1st day of February, 1999, on the petition of **WALTER FERRY and THOMAS FERRY**, for the rezone of certain property located on the west side of Pavement Road and the north side of Nichter Road, in the Town of Lancaster, from an SGA-Sand, Gravel and Aggregates District, to an R1-Residential District One, and

WHEREAS, the Planning Board of the Town of Lancaster at its meeting held February 17, 1999, unanimously recommended approval of the rezone, and

WHEREAS, a SEQR review was completed on the proposed rezone and project on January 19, 1999, and a Negative Declaration issued, and

WHEREAS, a Notice of said Hearing has been duly published and posted, and

WHEREAS, in accordance with Section 239 (m) of the General Municipal Law of the State of New York, the Erie County Department of Planning has reviewed such application for rezone and has no objection with respect thereto;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed so that the real property hereinafter described is changed from an SGA-Sand, Gravel and Aggregates District to an R1--Residential District One:

ALL THAT CERTAIN PIECE OR PARCEL OF LAND, situate, lying and being in the Town of Lancaster, County of Erie and State of New York, being part of Lots 7 and 9, Section 5, Township 11, Range 6 of the Holland Land Company's Survey and being more particularly bounded and described as follows:

BEGINNING at the point of intersection of the centerlines of Pavement Road (66' wide) and Nichter Road (66' wide);

THENCE southwesterly along the centerline of said Nichter Road, 1340.00 feet to a point;

THENCE westerly along a line making an interior angle of $156^{\circ} 49'00''$ with the last mentioned course, 574.00 feet to a point;

THENCE northerly along a line making an interior angle of $92^{\circ} 36'00''$ with the last mentioned course, 645.86 feet to a point;

THENCE northerly along a line making an interior angle of $171^{\circ} 42'53''$ with the last mentioned course, 73.67 feet to a point;

THENCE easterly along a line making an interior angle of $102^{\circ}48'00''$ with the land mentioned course, 1825.00 feet to a point in the centerline of Pavement Road;

THENCE southerly along the centerline of said Pavement Road and making an interior angle of $85^{\circ}11'12''$ with the last mentioned course, 417.37 feet to the point or place of beginning and containing 27.29 acres more or less.

2. That said Ordinance Amendment be added in the minutes of the meeting

Town Board of the Town of Lancaster held on the 22nd day of February, 1999;

4. That a certified copy thereof be published in the Lancaster Bee, on or before the 25th day of February, 1999;

5. That Affidavits of Publication be filed with the Town Clerk; and

6. That a certified copy of this resolution be furnished to the Erie County Department of Planning.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR	VOTED YES

February 22, 1999

File: rrezfrya.299

LEGAL NOTICE

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**NOTICE OF ADOPTION OF AMENDMENT
ZONING ORDINANCE, TOWN OF LANCASTER
WALTER FERRY and TOM FERRY
NICHTER ROAD / PAVEMENT ROAD**

LEGAL NOTICE IS HEREBY GIVEN that the Zoning Ordinance of the Town of Lancaster is hereby amended and the Zoning Map of the said Town is hereby changed so that the real property hereinafter described is changed from an SGA-Sand, Gravel, Aggregates District to an R1-Residential District One:

ALL THAT CERTAIN PIECE OR PARCEL OF LAND, situate, lying and being in the Town of Lancaster, County of Erie and State of New York, being part of Lots 7 and 9, Section 5, Township 11, Range 6 of the Holland Land Company's Survey and being more particularly bounded and described as follows:

BEGINNING at the point of intersection of the centerlines of Pavement Road (66' wide) and Nichter Road (66' wide);

THENCE southwesterly along the centerline of said Nichter Road, 1340.00 feet to a point;

THENCE westerly along a line making an interior angle of $156^{\circ} 49'00''$ with the last mentioned course, 574.00 feet to a point;

THENCE northerly along a line making an interior angle of $92^{\circ} 36'00''$ with the last mentioned course, 645.86 feet to a point;

THENCE northerly along a line making an interior angle of $171^{\circ} 42'53''$ with the last mentioned course, 73.67 feet to a point;

THENCE easterly along a line making an interior angle of $102^{\circ} 48'00''$ with the last mentioned course, 1825.00 feet to a point in the centerline of Pavement Road;

THENCE southerly along the centerline of said Pavement Road and making an interior angle of $85^{\circ} 11'12''$ with the last mentioned course, 417.37 feet to the point or place of beginning and containing 27.29 acres more or less.

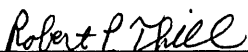
February 22, 1999

STATE OF NEW YORK :
COUNTY OF ERIE : ss;
TOWN OF LANCASTER :

THIS IS TO CERTIFY that I, Robert P. Thill, Town Clerk of the Town of Lancaster, in said County of Erie, have compared the foregoing copy of an Ordinance on the 22nd day of February 1999 and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto signed my hand and affixed the Seal of said Town this 22nd day of February, 1999.

(SEAL)


Robert P. Thill, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MARYNIEWSKI, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has previously approved a Site Plan , for the demolition of an existing convenience store and construction of a new building, and removal and replacement of underground fuel tanks, (Red Apple/Kwik Fill) at 5835 Broadway, east of Bowen Road in the Town of Lancaster, and

WHEREAS, the Town has received a revised Site Plan dated January 11, 1999 and received February 2, 1999, and

WHEREAS, the Planning Board has reviewed the revised plan, and at its meeting of February 17, 1999, recommended approval of this project;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Revised Site Plan prepared by, United Refining Company of Pennsylvania, dated January 11, 1999 and received February 2, 1999 for the demolition of an existing convenience store and construction of a new 2,160 s.f. building, and removal and replacement of underground fuel tanks (Red Apple/Kwik Fill) at 5835 Broadway, east of Bowen Road in the Town of Lancaster with the following condition:

- That the developer/owner cause the plantings to be made on the east and west property lines as recommended in General Crew Chief Terrence McCracken's memo dated February 8, 1999, as part of the site development being undertaken.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 22, 1999

File: rasitel.299

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, EMMINGER, HYATT, NEWTON & PIGEON, INC., Real Estate Appraisers and Consultants, by letter dated October 27, 1998, has furnished the Town Assessor with a proposal for appraisal services for a "Court Ready" appraisal in conjunction with a pending Tax Certiorari Proceeding (Tops Markets, Inc., vs. Assessor and the Board of Review of the Town of Lancaster), and

WHEREAS, the Town Board of the Town of Lancaster has reviewed the beforementioned proposal and deems it in the public interest to retain said Appraiser for the sum of \$35,000.00;

**NOW, THEREFORE, BE IT
RESOLVED, as follows:**

1. That the Town Board of the Town of Lancaster hereby retains EMMINGER, HYATT, NEWTON & PIGEON, INC., Appraisers and Consultants, 950 Union Road, West Seneca, New York 14224, for the purpose of appraising the Tops Distribution Center located at 5873 Genesee Street in the Town of Lancaster, for a sum not to exceed \$35,000.00, and

2. That the Town Clerk be and is hereby directed to furnish a copy of this resolution to EMMINGER, HYATT, NEWTON & PIGEON, INC., 950 Union Road, West Seneca, New York 14224.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 22, 1999

File raprasr.299

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the developer has requested the Town Board of the Town of Lancaster to accept completed Public Improvements within Village on the Park Subdivision Phase III, within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvements and has recommended the approval thereof, and

WHEREAS, the Town Attorney, by letter to the Town Clerk dated February 18, 1999 has reported his favorable review of all necessary deeds, easements and documents required to be filed for the acceptance of these public improvements,

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Public Improvements within Village on the Park Subdivision Phase III, be and are hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 456 - Pavement and Curbs
P.I.P. No. 457 - Storm Sewers
P.I.P. No. 458 - Water Line

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 22, 1999

File RHP(P5)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Town of Lancaster Drug Abuse Prevention Council desires to enter into a contract with New York State Office of Alcoholism and Substance Abuse Services for the Calendar Year 1999 for the purpose of drug abuse prevention programs, and

WHEREAS, the Town Board believes such a program is worthwhile, need and in the public interest;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to execute a contract on behalf of the Drug Abuse Prevention Council with the New York State Office of Alcoholism and Substance Abuse Services for the period of January 1, 1999 through December 31, 1999, and to execute any and all documents necessarily related thereto.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 22, 1999

File: rybdrgab.299

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Town of Lancaster has previously received a grant for a pilot program entitled "Youth Court and Community Sanction Program being coordinated by the New York State Division of Criminal Justice System, and

WHEREAS, the State of New York Division of Criminal Justice Services has advised that the grant can be extended for an additional six (6) months, commencing April 1, 1999 and terminating September 30, 1999 at no additional cost to the Town, and

WHEREAS, the grant funds are being used to enhance and expand the first offender programs now being offered by the Youth Bureau, and

WHEREAS, the Town Board desires to accept the extension of the grant for the Youth Court and Community Sanction Program;

NOW, THEREFORE, BE IT

RESOLVED, the Town Board of the Town of Lancaster hereby authorizes the Supervisor to execute any documents necessary to obtain these grant funds.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 22, 1999

File: rybyccsp

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
MONTOUR, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the
Director of Administration and Finance, to wit:

Claim No.6926 to Claim No. 7254 Inclusive

Total amount hereby authorized to be paid: **\$ 1,063,350.86**

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 22, 1999

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER CONNELLY, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MARYNIEWSKI, TO WIT:

RESOLVED that the following Building Permit Applications be and are hereby approved and the issuance of these Building Permits be and are hereby authorized:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

NEW PERMITS:

Pmt #	SW	Applicant Name	Address	Structure
5591		Advision Inc	6513 Broadway	Replace Sign
5592		Ryan Homes	69 Michael Anthony Ln	Er. Sin. Dwlg
5593		Tanning Bed	4779 Transit Rd	Rem Interior Bldg
5594		Jeffrey Bowen	16 Running Brk Dr	Repair Covered Room
5595		Empire Forster	6733 Transit Rd	Er. Sign
5596		Kathleen Ardino	390 Stony Rd	Inst. Wood Stove
5597		Lancaster Home Inp	321 Iroquois Ave	Repair Garage
5598		Airtek Corp	4087 Walden Ave	Ex. Office Bldg
5599		Ryan Homes	735 Aurora St	Er. Sin. Dwlg
5600		All Craft Inc	90 Newberry Ln	Er. Sin. Dwlg
5601		Warren Folger	6187 Broadway	Dem. Barn
5602		NVR Inc	51 Michael Anthony Ln	Er. Sin. Dwlg
5603		Victor Scaccia	15 Greenmeadow Dr	Er. Shed
5604		Forbes Homes Inc	2 Regency Ct	Er. Sin. Dwlg
5605		Forbes Homes Inc	12 Regency Ct	Er. Sin. Dwlg
5606		Kulback's & Assoc	3524 Walden Ave	Dem. Shed
5607		Creative Fence Co Inc	17 Cobblestone Ct	Er. Fence
5608		Donato Developers Inc	13 Candlestick Ct	Er. Sin. Dwlg
5609		Nigel Enterprises	57 Village View	Er. Sin. Dwlg
5610		Nigel Enterprises	10 Park Wlk	Er. Sin. Dwlg
5611		Marrano/Marc Equity	54 Old Post Rd	Er. #Sin. Dwlg
5612		Catco Headquarters	11266 Townline Rd	Er. Warehouse

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 22, 1999

File:Rbldg2

Council Member Stempniak requested a suspension of the necessary rule for immediate consideration of the following resolution:

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster after due review and consideration and with the support of the Planning Board now deems it in the public interest to rezone a portion of a certain parcel of land of approximately 14.64 ± acres located southeast of the southeast corner of the intersection of North Maple Drive and Wehrle Drive in the Town of Lancaster from an MFR-3 District (Multi-Family District Three) to an R1-District (Residential District One), and further described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie and State of New York, and being part of Lot No. 8, Section 12, Township 11, Range 6 of the Holland Land Company's Survey, being further described as follows:

BEGINNING at intersection of the centerlines of North Maple Road, 49.5 feet in width, and Wehrle Drive, said centerline of Wehrle Drive also being the north line of Lot No. 10, Section 12;

THENCE, South 89°-06'-06" East, along the north line of Lot Nos. 10 and 8, 890.87 feet;

THENCE, south 00°-05'-00" West, along the westerly line of lands conveyed by Liber 6581 of Deeds at Page 425 and Liber 7184 of Deeds at Page 128, 870.42 feet to the true point of beginning;

THENCE, South 88°-44'-27" East, 778.08 feet;

THENCE, South 00°-29'-11" East, 805.30 feet;

THENCE, North 88°-58'-49" West, 805.83 feet;

THENCE, North 00°-05'-00" East, 470.57 feet to the southeast corner of lands formerly conveyed to Alice Kelsey by Liber 1572 of Deeds at Page 495;

THENCE, Easterly along the south line of lands formerly conveyed to Kelsey by Liber 1572 of Deeds at Page 495 extended easterly, to a point intersected by a line which is the southerly extension of the westerly line of lands conveyed by Liber 6581 of Deeds at Page 425 and Liber 7184 of Deeds at Page 128;

THENCE, Northerly along the southerly extension of the westerly line of lands conveyed by Liber 6581 of Deeds at Page 425 and Liber 7185 of Deeds at Page 128, to the true point of beginning containing 14.64 acres more or less.

**NOW, THEREFORE, BE IT
RESOLVED,** as follows:

1. That pursuant to Sections 130 and 265 of the Town Law of the State of New York, a Public Hearing on the proposed rezone will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 15th day of March, 1999, at 8:30 o'clock P.M., Local Time, and that Notice of the Time and Place of such Hearing be published in the Lancaster Bee a newspaper of general circulation in said Town and be posted on the Town Bulletin Board, and that Notice of such Hearing be referred to the Erie County Department of Planning pursuant to Section 239 (m) of the General Municipal Law, which Notice shall be in form attached hereto and made a part hereof, and

2. That the Town Clerk is hereby directed to notify the record property owner(s) of the proposed zoning change.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 22, 1999

File rrezandz.299

**LEGAL NOTICE
PUBLIC HEARING
REZONE -SOUTHEAST CORNER
NORTH MAPLE DRIVE & WEHRLE DRIVE
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 22nd day of February, 1999, the said Town Board will hold a Public Hearing on the 15th day of March, 1999, at 8:30 o'clock P.M., Local Time at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interest persons upon the Town's proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following property an MFR-3 - Multi-Family District Three to an R1-Residential District: One:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie and State of New York, and being part of Lot No. 8, Section 12, Township 11, Range 6 of the Holland Land Company's Survey, being further described as follows:

BEGINNING at intersection of the centerlines of North Maple Road, 49.5 feet in width, and Wehrle Drive, said centerline of Wehrle Drive also being the north line of Lot No. 10, Section 12;

THENCE, South 89°-06'-06" East, along the north line of Lot Nos. 10 and 8, 890.87 feet;

THENCE, south 00°-05'-00" West, along the westerly line of lands conveyed by Liber 6581 of Deeds at Page 425 and Liber 7184 of Deeds at Page 128, 870.42 feet to the true point of beginning;

THENCE, South 88°-44'-27" East, 778.08 feet;

THENCE, South 00°-29'-11" East, 805.30 feet;

THENCE, North 88°-58'-49" West, 805.83 feet;

THENCE, North 00°-05'-00" East, 470.57 feet to the southeast corner of lands formerly conveyed to Alice Kelsey by Liber 1572 of Deeds at Page 495;

THENCE, Easterly along the south line of lands formerly conveyed to Kelsey by Liber 1572 of Deeds at Page 495 extended easterly, to a point intersected by a line which is the southerly extension of the westerly line of lands conveyed by Liber 6581 of Deeds at Page 425 and Liber 7184 of Deeds at Page 128;

THENCE, Northerly along the southerly extension of the westerly line of lands conveyed by Liber 6581 of Deeds at Page 425 and Liber 7185 of Deeds at Page 128, to the true point of beginning containing 14.64 acres more or less.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN OF LANCASTER

BY: **ROBERT P. THILL**
Town Clerk

February 22, 1999

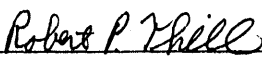
COMMUNICATIONS:

84. Town Engineer to Town Board -
Recommend acceptance of Public Improvements for storm sewers, pavement & curbs and waterline for Autumn Park Phase II. DISPOSITION = Received and Filed
85. David Maki to Town Board -
Expression of concerns re: proposed Local Law No 1 of 1999 "Vehicles, Abandoned".
DISPOSITION = Planning Committee
86. Richard/Karen Burry to Town Board, Supervisor, Town Clerk and Building Inspector -
Request re: 6355 Broadway alleged use as a terminal. DISPOSITION = Town Attorney
87. Town Clerk to Supervisor -
Transmittal of Town Clerk's monthly report for January, 1999. DISPOSITION = Received and Filed
88. Bowmansville Vol. Fire Association Fire Chief to Disaster Response Coordinator -
Expression of gratitude for the effort put forth by the department during the "Flood of 99".
DISPOSITION = Received and Filed
89. County of Erie Department of Emergency services to Town Board -
Transmittal of meeting dates re: Disaster Assistance for Government re: January 1999 snow emergency. DISPOSITION = Received and Filed
90. NYSEG to Supervisor -
Advisal of safety program "Live-Line" demonstration dates for all police, fire and other emergency services personnel. DISPOSITION = Public Safety Committee
91. Erie County Department of Environment and Planning to Executive Director Greater Buffalo-Niagara Regional Transportation Council -
Comments re: Lancaster Corridor Study Report. DISPOSITION = Received and Filed
92. U.S. Department of Transportation to Town of Lancaster -
Notice of non-selection for Transportation and Community and System Preservation Pilot Program. DISPOSITION = Received and Filed
93. Bowmansville Vol. Fire Association Fire Chief to Supervisor -
Expression of gratitude for the effort put forth by the Town of Lancaster employees during the "Flood of 99". DISPOSITION = Received and Filed
94. The Business Council Of New York State to Supervisor -
Transmittal of Governor's press release re: "local governments" budget. DISPOSITION = Received and Filed
95. Travelers Property Casualty to Supervisor -
Follow up to visit to Town Hall re: introduction to loss control services provided through Gulf Insurance to augment on going safety efforts. DISPOSITION = Received and Filed
96. Police Chief to Planning Board Chairman -
Review and recommendation re: Red Apple/Kwik Fill Site Plan. DISPOSITION = Received and Filed
97. Ronald/Rosemarie Krzanowicz to Town Clerk -
Expression of concerns re: rezone application of Walter/Thomas Ferry Nichter Road and Pavement Road. DISPOSITION = Planning Committee
98. Town Clerk to Town Board -
Advisal of error in not establishing a Board of Ethics as required by Chapter 9 "Code of Ethics". DISPOSITION = Supervisor
99. Town Clerk to Zoning Board Members -
Request to re-establish dialogue re: written notification to neighbors for cases appearing before Zoning Board of Appeals. DISPOSITION = Received and Filed
100. Mrs. Kim Pacitto to Town Board -
Express concerns re: speed limits, parking and signs on Queens Park. DISPOSITION = Public Safety Committee
101. State of NY Office of Real Property Services to Town Board -
Conveyance of information re: Local Assistance Fund as a part of Governor Pataki's Executive Budget. DISPOSITION = Received and Filed

102. David Maki to Town Board -
Request water spigot in Westwood Town Park. DISPOSITION = Recreation Department and Town Engineer
103. Erie County Department of Public Works Division of Highways to Town Clerk -
Transmittal of remarks re: Signal at Lake Avenue and intersection of William Street and Penora Street. DISPOSITION = Public Safety Committee
104. Town Engineer to Town Board -
Recommendation re: acceptance of P.I.P.'s for Village on the Park Subdivision Phase III. DISPOSITION = Received and Filed
105. Town Engineer to Town Clerk -
Request change orders to finalize contracts for the Town Hall roof repair. DISPOSITION = Received and Filed
106. Planning Board Chairman to Town Board -
Notice of no meeting to be held March 3, 1999. DISPOSITION = Received and Filed
107. Robert Hahin to Supervisor -
Concerns re: sewer assessment problem. DISPOSITION = Received and Filed
108. Susan/Craig Waringua to Niagara Frontier Transportation Committee -
Transmittal of concerns re: North/South Corridor. DISPOSITION = Received and Filed
109. National Fuel to Supervisor -
Conveyance of system map showing the location of National Fuel Gas Supply Corporation's facilities in relation to each town/township. DISPOSITION = Received and Filed
110. Supervisor to various municipalities and school districts -
Notice of meeting to be held March 3, 1999 re: Lancaster's growth impact on neighboring towns and villages and to encourage communication between Planning Board, Town Board, Village Boards, School Districts, etc. DISPOSITION = Received and Filed
111. State Board of Real Property Services Real Property Analyst IV to Supervisor -
Certification of final State equalization rate of 85.97 for the Town of Lancaster. DISPOSITION = Received and Filed
112. NYS Senate Democratic Conference's Newsletter to All Property Owners -
Encourage property owners to apply for STAR Program before March 1, 1999 deadline. DISPOSITION = Received and Filed
113. Suzanne M. Blank Clerk Typist to Town Board -
Request nine day leave of absence. DISPOSITION = Town Clerk for Resolution
114. Planning Board to Town Board -
Notification of approval of site plan for Kwik Fill/Red Apple 5835 Broadway. DISPOSITION = Received and Filed
115. Planning Board to Town Board -
Transmittal of minutes of meeting February 17, 1999. DISPOSITION = Received and Filed
116. Fox & Co to Town Board -
Proposal for cost analysis consolidation of Tax Office activities into the Office of the Town Clerk. DISPOSITION = Supervisor, Town Clerk and Tax Receiver

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER CONNELLY AND SECONDED BY
THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 9:00 P.M. in
memory of Virginia Skubis, Walter Przybyl and Florence Lucey.


Robert P. Thill, Town Clerk